

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

844D0612

## SENATE BILL NO. 149

Introduced by: Senators Ham, Daugaard, and Moore and Representatives Hunt and Wilson

1 FOR AN ACT ENTITLED, An Act to revise the Uniform Probate Code pertaining to the duties  
2 of the personal representative in closing the estate.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 29A-3-1003 be amended to read as follows:

5 29A-3-1003. (a) Unless prohibited by order of the court and except for estates being  
6 administered in supervised administration proceedings, a personal representative may close an  
7 estate by filing with the court no earlier than four months after the date of original appointment  
8 of a general personal representative for the estate, a verified statement stating that the personal  
9 representative or a previous personal representative, has:

10 (1) Determined that ~~notice to creditors was properly given and that the time limited for~~  
11 ~~presentation of creditors' claims has expired~~ the time limit for presentation of  
12 creditors' claims has expired or has made a diligent search for the creditors of the  
13 estate and affirms to the best of the personal representative's knowledge, information,  
14 and belief that all known creditors have been paid in full and if there are other  
15 creditors of the decedent, they are unknown to the personal representative and could  
16 not, with reasonable diligence, be ascertained;

17 (2) Determined that all inheritance taxes and state estate taxes due from the estate have

1           been duly determined and are fully paid;

2           (3)   Fully administered the estate of the decedent by making payment, settlement, or other  
3               disposition of all claims that were properly presented, expenses of administration and  
4               other charges, except as specified in the statement, and that the assets of the estate  
5               have been distributed to the persons so entitled. If any claims remain undischarged,  
6               the statement shall state whether the personal representative has distributed the estate  
7               subject to possible liability with the agreement of the distributees or state in detail  
8               other arrangements that have been made to accommodate outstanding liabilities; and  
9           (4)   Sent a copy of the statement and a full accounting to all heirs and devisees who are  
10               entitled to distribution of and from the remaining assets of the estate and to all known  
11               creditors and other claimants whose claims are neither paid nor barred.

12           (b) If no proceedings involving the personal representative are pending in the court one year  
13           after the closing statement is filed, the appointment of the personal representative terminates.

14           (c) Any accounting required under this section may be waived if the persons entitled to a  
15           copy consent in writing.